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Remarks

Upon entry of this amendment, claims 1-4, 6-8, and 14 will be pending in the application. Claims 9-13 and 15-25 remain withdrawn. Claims 5 and 26 have been canceled.

Applicants have amended FIGS. 2 and 4 by adding reference numeral 37. Reference numeral 37 points to a groove that extends substantially along the entire length of the exposed side of each side rail. Groove 37 is adapted to receive the stiffener member 36. The groove 37 was depicted in the original figures that were transmitted with the application. However, the groove 37 was not given a reference numeral.

MPEP Section 2163.06 (8th Edition, Revision 2) explicitly states that "information contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter."

Accordingly, Applicants have amended paragraph [0038] to state that the stiffener members 36 are received into a groove 37 that extends substantially along the entire length of the exposed side 18 of each side rail 62. Because the groove 37 was depicted in the original drawings that were filed with the application, the amendment to paragraph [0038] does not present an issue of new matter under MPEP Section 2163.06.

In addition to the amendment to paragraph [0038], Claim 1 has been amended to further recite that each side rail has a groove that extends substantially along the entire length of the exposed side of each side rail. The groove is adapted to receive a substantially vertically extending stiffener member. Support for the amendments to claim

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1 are found in Applicants' figures 2 and 4 as well as paragraph [0038] of the Applicant's application. Since there is support for the amendments in the figures and in the specification, no issue of new matter is presented.

Summary of Rejections and Objections

Claims 1-8, 14, and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-8, 14, and 26 are rejected under 35 USC 103(a) as being unpatentable over Pringnitz (US 6,796,603) in view at Hänni (US 5,287,819) and Taul (US 4,136,985).

Rejection of Claims 1-8, 14, and 26 under 35 USC § 112

In paragraph 1 of the office action, the Examiner has rejected claims 1-8, 14, and 26 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have canceled claim 26.

As stated above, Applicants have amended claim 1 to recite that each side rail has a groove that extends substantially along the entire length of the exposed side of each side rail. The groove is adapted to receive a substantially vertically extending stiffener member. The amendments to claim 1 is supported in FIGS. 2 and 4 as well as paragraph [0038] of the Applicants' application. Accordingly, amended claim 1 and the claims that

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depend from it are no longer indefinite since claim 1 is supported in the figures and in the specification.

Rejection of Claims 1-8, 14, and 26 under 35 USC § 103(a)

In paragraph 2 of the office action, the Examiner has rejected claims 1-8, 14, and 26 as being unpatentable over the Pringnitz '603 patent in view of the Hänni '819 patent and the Taul '985 patent. Specifically the Examiner argues that Pringnitz discloses the invention as claimed, Hänni '819 discloses extruded aluminum rails, and that Taul discloses a pair of reinforcing plates. Therefore, the Examiner argues that it would have been obvious to one having ordinary skill in the art of the time of the invention was made to modify the invention as disclosed by Pringnitz to include extruded aluminum rails as disclosed by Hänni and a pair of reinforcing plates as disclosed by Taul in order to optimize the weight and strength of the frame for better fuel efficiency. Claims 2, 5, 7, and 14 depend from claim 1. Claims 3-4 depend from claim 2, claim 6 now depends from claim 1, and claim 8 depends from claim 7.

Applicants have amended claim 1 to recite that each side rail has a groove that extends substantially along the entire length of the exposed side of each side rail. The groove is adapted to receive a substantially vertically extending stiffener member. FIG. 1 of Pringnitz does not disclose, suggest, or teach such a limitation. Rather, FIG. 1 of Pringnitz discloses a pair of angled (not vertically oriented) stiffener members that are attached to the side rails near the top of the frame. Additionally, as can be clearly seen in

FIG. 1 of Pringnitz these stiffener members are not received into a channel that extends along the entire length of the side rails.

By having a channel that extends substantially along the length of the entire side rail, Applicants' rear case assembly can accommodate a longer stiffener member thereby significantly increasing the strength of the side rail over that disclosed in the Pringnitz '603 patent since the stiffener member can reinforce most if not the entire length of the side rail. This is in stark contrast to FIG. 1 of Pringnitz, which discloses a stiffener member that is reinforcing the side rails only at the point where the stiffener member and the side rails meet. Additionally, Applicants' side rail design would also decrease the total amount of time required to produce a rear case assembly because the step of having to attach the stiffener members to the side and top rail (as disclosed in Pringnitz) is eliminated since the stiffener members slide directly into the side rails.

Finally, the Hänni '813 patent relates to coach body construction for rail vehicles not commercial truck trailers. One having ordinary skill in the art would not combine the Pringnitz '603 patent with the Hänni '813 patent since Hänni is directed toward rail vehicles while Pringnitz is directed towards tractor trailers. In other words, Hänni is non-analogous art. This argument is supported by column 1, lines 34-38, of Hänni which states that the solution conceived "for a chassis for road vehicles cannot be transferred to rail vehicle construction because, in that case, different conditions prevail and there are different requirements." Since Hänni teaches that rail and road vehicle construction are not interchangeable, it would not have been obvious for one skilled in the art to combine

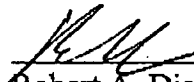
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the Hänni '813 patent with the Pringnitz '603 patent. Accordingly, Applicants respectfully submit that claims 1-8, and 14 are in condition for allowance.

In the event that any outstanding matters remain with this application, the Examiner is invited to telephone the undersigned at 724-337-1221 to discuss such matters. If the Examiner would like to suggest changes of a formal nature to place this application in better condition for allowance, a telephone call to Applicants' undersigned attorney would be appreciated.

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PATENT TRADEMARK
OFFICE

Respectfully submitted,



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Annotated Sheet Showing Changes

4/16

